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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,422	11/27/2001	Anne Louise Cordia	U 013734-4	2131
140	7590	02/15/2006	EXAMINER	
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			RAMIREZ, RAMON O	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/995,422

Applicant(s)

CORDIA, ANNE LOUISE

Examiner

RAMON O. RAMIREZ

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-65, 68-71, 74, 77 and 79-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49-65, 68-71, 77 and 79-87 is/are allowed.
- 6) ☒ Claim(s) 48 and 74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This Office Action corresponds to amendment filed January 25, 2006.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. A review of the Final Action found that claim 48 was not addressed. Applicant leaped to the conclusion that the claim was allowed but the Office Action never stated that the claim was found allowable.

Claim Rejections - 35 USC § 103

Claim 48 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulze (Pat No 1,386,078).

The patent to Schulze shows an accessory (a spring clamp) for a container (plate) comprising first and second clamping members, the first clamping member (2) comprising a plurality of extending portions (2, 2) defining first and second clamping surfaces (areas contacting the plate), the second clamping member (1) defining a third clamping surface (area contacting the plate); the third clamping surface disposed between the first and second clamping surfaces (Figs 1 and 3), with each of the extending portions

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extending away from the vertical axis of the second clamping member. The second clamping member comprising a holder having third (6) and fourth (8) clamping surfaces holding an object. As to the display means recited for example in claim 63, any of the flat surfaces shown by Schulze in Figs 1 and 3, can be considered as a means for displaying information since they are capable of receiving written information, directly (writing on) or indirectly (like a card). As to claim 53, Fig 2 of Schulze shows the first and second clamping members forming a U-shaped defining a space for receiving the container. The material from which the device is made is considered an obvious matter of engineering having no patentable significance. The deformation of the members of the instant invention is inherently to the material from which the device is made.

Allowable Subject Matter

Claims 49-65, 68-71, 77 and 79-87 are allowed.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. As indicated above, claim 48 was never meant to be allowable. The examiner failed to reject the claim in the last Office Action but no indication of allowable subject matter was mentioned. As to claim 74, Applicant assumes the claim is allowed but never argued why. Further, contrary to claim 48, this claim was rejected on art. Applicant just presented the claim as an independent claim.

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **RAMON O. RAMIREZ** whose telephone number is (571) 272-6821. The examiner can normally be reached on **MONDAY-FRIDAY, IST FRIDAY OFF**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **ROBERT OLSZEWSKI** can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RAMON O. RAMIREZ
Primary Examiner
Art Unit 3632

ROR
February 2, 2006